



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Come, et al.

Serial No: 10/091,177

Filed: March 4, 2002

For: THREE HYBRID ASSAY SYSTEM

Attorney Docket No. GPCG-P01-018

Art Unit: 1634

Examiner: Lu, Frank Wei Min

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

October 15, 2003

Date of Signature and of Mail Deposit


Mary Jane DiPalma

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.48(a)

Sir:

Applicants respectfully request that Christoph Reichel be added as an inventor in the above-identified application.

REMARKS

This petition is submitted in accordance with 37 C.F.R. 1.48 (a) to convert the above-identified application from an application of Jon H. Come, Frank Becker, and Nikolai Key to an application of Jon H. Come, Frank Becker, Nikolai Key, and Christoph Reichel. These four individuals are the actual inventors of the invention described and presently claimed in the application.

10/22/2003 JBALINAH 00000051 181945 10091117

01 FC:1460 130.00 BA

ATTACHMENTS

Accompanying this petition are

- (a) statement by the added inventor, Christoph Reichel establishing that the error occurred without deceptive intent,
- (b) a statement by the assignees, GPC Biotech AG and GPC Biotech Inc. establishing consent,
- (c) a declaration/oath of inventorship executed by Christoph Reichel as required by 37 C.F.R. 1.63, and
- (d) a copy of an assignment from the added inventor (to be submitted for recordation separately).

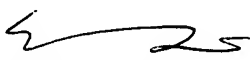
CONCLUSION

Applicants request that the petition fee in the amount of \$130.00 be charged to **Deposit Account No. 18-1945**.

Date: 10/15/03

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050

Respectfully Submitted,



Weishi Li, Ph.D.
Reg. No. 53,217



PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/091177
Filing Date	March 4, 2002
First Named Inventor	Jon H. Come
Examiner Name	Lu, Frank Wei Min
Group Art Unit	1634
Attorney Docket No.	GPCG-P01-018

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number 18-1945

Deposit Account Name Ropes & Gray

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					130.00

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =		x	
Independent Claims	-3** =		x	
Multiple Dependent				

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type) Weishi Li, Ph.D.

Registration No. (Attorney/Agent) 53,217

Complete (if applicable)

Telephone (617) 951-7404

Signature

Date October 15, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 15, 2003

Signature:

(Mary Jane DiPalma)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Come, et al.

Serial No: 10/091,177

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Mary Jane DiPalma

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF CHRISTOPH REICHEL

Sir:

I, Christoph Reichel residing at Am Klopferspitz 12, D-82152 Planegg, GERMANY, hereby states that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Jon H. Come, Frank Becker, and Nikolai Kley and presents claims directed to compositions and methods for isolating ligand binding polypeptides for a user-specified ligand, and for isolating small molecule ligands for a user-specified target polypeptide using an improved class of hybrid ligand compounds.
3. The inadvertent omission of my name as an inventor occurred without any deceptive intent on my part.

The undersigned declares further that all statements made herein of her own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 07/10/03


Christoph Reichel



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Come et al.

Application No: 10/091,177

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Attorney Document No. GPCG-P01-018

Art Unit: 1634

Examiner: Lu, Frank Wei Min

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Commissioner for Patents
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Alexandria, VA 22313-1450

Consent of Assignees

Sir:

Assignees, **GPC Biotech AG**, a corporation with executive offices at **Fraunhoferstraße 20, 82152 Martinsried, Munich, Germany**, and **GPC Biotech Inc.** with executive offices at **610 Lincoln Street, Waltham, Massachusetts**, hereby consent to Petitioner/Inventors' request to amend the inventorship under 37 C.F.R. §1.48(a) to add **Christoph Reichel** as an inventor in the present application.

Respectfully submitted,

GPC Biotech AG

By:

Name: DAVID BANCROFT

Title: VP, IP EUROPE

Date: 7th October 2003

Respectfully submitted,

GPC Biotech Inc.

By:

Name: Bernd Seitzinger

Title: President and CEO

Date: Oct. 7, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THREE HYBRID ASSAY SYSTEM

the specification of which was filed on March 4, 2002 and assigned Serial No. 10/091,177.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Ropes & Gray**, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			____ Yes No ____
			____ Yes No ____
			____ Yes No ____

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/272,932	March 2, 2001	<u> x </u> Yes No ____
60/278,233	March 23, 2001	<u> x </u> Yes No ____
60/329,437	October 15, 2001	<u> x </u> Yes No ____

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Date of Filing	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Steven Baglio	51,426	Edward J. Kelly	38,936	John D. Quisel	47,874
J. Steven Baughman	47,414	Charles Larsen	48,533	Spencer H. Schneider	45,923
Mark W. Bellomy	51,452	Agnes S. Lee	46,862	Sanjay Sitlani	48,489
Johnny Y. Chen	46,614	Paul E. Lewkowicz	44,870	Wolfgang E. Stutius	40,256
Gregory Glover	34,173	Weishi Li	53,217	Anita Varma	43,221
William G. Gosz	27,787	Yu Lu	50,306	Matthew P. Vincent	36,709
Patricia Granahan	32,227	Robert A. Mazzaresse	42,852	Dalila Arguez Wendlandt	52,351
David P. Halstead,	44,735	Christopher Natkanski	50,365		

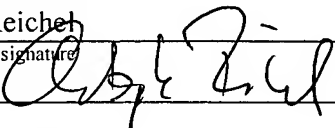
all of **Ropes & Gray**, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Matthew P. Vincent, Ph.D. whose address is:

Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624

Please direct telephone calls to: David P. Halstead, Ph.D. at (617) 951-7615.

Please direct facsimiles to: (617) 951-7050

Full name of fourth inventor Christoph Reichel	
Fourth inventor's signature 	Date 07/10/03
Residence Planegg, Germany	
Citizenship Germany	
Mailing Address Am Klopferspitz 12 D-82152 Planegg GERMANY	

ASSIGNMENT

WHEREAS, each of the Undersigned has developed certain inventions described in U.S. patent application titled:

THREE HYBRID ASSAY SYSTEM

filed on **March 4, 2002, U.S. Application No. 10/091,177**; and has full right to convey their entire interest, both legal and equitable, in and to said inventions free from all prior assignments, agreements, licenses, mortgages, security interests, or other encumbrances whatsoever; and


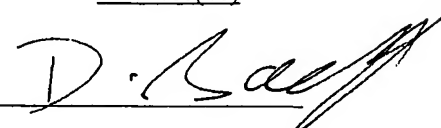
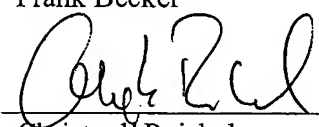
WHEREAS, **GPC Biotech AG**, ("ASSIGNEE"), a corporation having executive offices at Fraunhoferstraße 20, 82152 Martinsried/Munich, Germany, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of the sum of One Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Undersigned, each of the Undersigned hereby sells, assigns and transfers unto said ASSIGNEE, its successors and assigns, their entire right, title and interest in and to said invention or inventions, as described in the aforesaid application and all applications resulting therefrom, including any and all divisions, continuations, continuations in part, substitute applications, and reissues or extensions thereof; and all resulting patents.

AND each of the Undersigned hereby authorizes and requests the issuing authority to issue any and all patents on said application or applications to said ASSIGNEE or its successors and assigns; the Undersigned agree(s) that the attorney of record in said application shall hereinafter act on behalf of said ASSIGNEE.

AND, each of the Undersigned further agrees, without any further payment or compensation by said ASSIGNEE or its successors and assigns, to communicate to said ASSIGNEE, its representatives or agents or its successors and assigns, any facts relating to said invention or inventions including evidence for interference purposes or for other legal proceedings whenever requested; to testify in any interference or other legal proceedings, whenever requested; to execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective; and to generally do everything possible to aid said ASSIGNEE, its successors or assigns and nominees to secure, obtain and enforce proper patent protection for said invention or inventions in this or any foreign country.

Each of the undersigned hereby authorizes Ropes & Gray, of One International Place, Boston, MA 02110, to insert hereon any further identification information necessary or desirable for recordation of this document.

	<u>Inventor(s)</u>	<u>Date Signed</u>	<u>Witness(es)</u>
1.	 Frank Becker	06/Oct./2003	
2.	 Christoph Reichel	07/10/03	